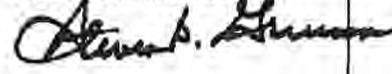


EXHIBIT A

6
Electronically Filed
8/2/2021 1:33 PM
Steven D. Grierson
CLERK OF THE COURT


1 COGBURN LAW
2 Jamie S. Cogburn, Esq.
3 Nevada Bar No. 8409
4 jsc@cogburncares.com
5 Joseph J. Troiano, Esq.
6 Nevada Bar No. 12505
7 jjt@cogburncares.com
8 2580 St. Rose Parkway, Suite 330
9 Henderson, Nevada 89074
10 Telephone: (702) 748-7777
11 Facsimile: (702) 966-3880
12 *Attorneys for Plaintiff*

CASE NO: A-21-838805-C
Department 18

COGBURN LAW
2580 St. Rose Parkway, Suite 330, Henderson, Nevada 89074
Telephone: (702) 748-7777 | Facsimile: (702) 966-3880

7 DISTRICT COURT
8
9 CLARK COUNTY, NEVADA

10 ZOILA ARMAS, an individual, 11 Plaintiff, 12 vs. 13 COSTCO WHOLESALE CORPORATION, a 14 Foreign Corporation; DOE Individuals 1–10; 15 DOE Employees 11–20; and ROE 16 Corporations 21–30, 17 Defendants.	18 Case No.: 19 Dept. No.: 20
---	-------------------------------------

21 COMPLAINT

22 Plaintiff, Zoila Armas, by and through counsel, Cogburn Law, alleges as follows:

23 PARTIES, JURISDICTION, VENUE

24 1. At all times relevant hereto, Plaintiff, Zoila Armas (“Plaintiff”), was, and continues
25 to be, an individual residing in Clark County, State of Nevada.

26 2. Upon information and belief, at all times relevant hereto, Defendant, Costco
27 Wholesale Corporation (“Defendant Entity”), was, and continues to be, a foreign corporation
28 authorized to do business in Clark County, Nevada.

29 3. Defendants named, referenced or designated herein as Doe Individuals 1–10; Doe
30 Employees 11–20; and Roe Corporations 21–30 (collectively, “Doe and Roe Defendants” and,

1 together with "Defendant Entity", the "Defendants") are individuals, employees, or other business
2 entities of any form whose true names and capacities are unknown to the Plaintiff, and are therefore
3 sued by their fictitious names. Upon information and belief, each of these Doe and Roe Defendants
4 are responsible in some manner for the events and happenings referred to and, in some manner,
5 caused the injuries and damages arising proximately from the subject incident described further
6 herein. At the time of the incident giving rise to this Complaint, these unknown Doe and Roe
7 Defendants owned, operated, controlled, leased, managed, maintained, and/or inspected the
8 premises, and/or sold a product causing the unsafe conditions associated with the premises in
9 question, which caused Plaintiff to slip and fall and sustain injuries. Plaintiff will seek leave to
10 amend this Complaint as the true identities of these Doe and Roe Defendants become known.

11 4. Defendants named herein as Doe Employees 11-20, later to be identified,
12 negligently, recklessly, and/or intentionally failed to perform or supervise performance of the
13 maintenance, inspection, and cleaning of Costco, located at 6555 N. Decatur Boulevard, Las
14 Vegas, Nevada 89131.

15 5. All acts and occurrences giving rise to this action took place in Clark County,
16 Nevada.

17 6. Nevada courts hold personal jurisdiction over the Defendants pursuant to their
18 Nevada residency, citizenship, and purposeful contacts with the State of Nevada.

19 7. Venue in the Eighth Judicial District Court in and for the County of Clark, State of
20 Nevada, is proper pursuant to NRS 13.040.

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

22 8. Plaintiff incorporates by reference each and every allegation previously made in
23 this Complaint as if fully set forth herein.

24 9. On June 5, 2020, Plaintiff was a patron and/or invited guest at Defendant Entity's
25 property located at 6555 North Decatur Boulevard, Las Vegas, Nevada 89131 ("Premises").

1 10. Upon information and belief, the Premises is owned, designed, operated,
2 maintained, managed and/or controlled by Defendant Entity and related unknown entities
3 designated as Roe Corporations 21–30.

4 11. While shopping in the dairy area of the Premises, Plaintiff slipped on a puddle of
5 liquid and fell onto the floor (“Subject Incident”).

6 12. Defendants created a dangerous condition by failing to properly inspect and
7 maintain the Premises for its patrons and the general public.

8 13. Patrons of the Premises are entitled to a reasonable expectation that Defendants
9 would inspect and maintain the Premises in a reasonably safe condition to ensure their safety.

10 14. Defendants, despite their duty to inspect and maintain the Premises, failed to
11 undertake reasonable efforts to ensure the Premises was safe prior to the Subject Incident.

12 15. Defendants, despite having notice of the dangerous condition at the Premises, failed
13 to undertake reasonable efforts to correct this condition or warn patrons of a potential hazardous
14 and unsafe condition.

15 16. In failing to inspect and maintain the Premises, Defendants knew, or should have
16 known, that it was foreseeable that a person would slip and fall, thereby sustaining injuries.

17 17. As a result of Defendants’ failure to act reasonably in inspecting or maintaining the
18 Premises, an unreasonable risk of harm was allowed to exist at the Premises, directly leading to
19 the harms and losses sustained by Plaintiff.

20 18. Had Defendants acted reasonably in ameliorating the above-mentioned dangerous
21 condition in a timely fashion upon inspection or receipt of the notice, the harms and losses
22 sustained by Plaintiff would not have occurred.

23 19. As a result of the required medical care and treatment related to the Subject
24 Incident, Plaintiff has necessarily incurred associated medical costs in excess of \$15,000.00 and
25 may yet incur future medical costs pertaining to future care and treatment.

COGBURN LAW
2580 St. Rose Parkway, Suite 330, Henderson, Nevada 89074
Telephone: (702) 748-7777 | Facsimile: (702) 966-3880

1 20. Plaintiff's injuries, associated care, and recovery have caused, and may continue to
2 cause Plaintiff to experience pain and suffering.

FIRST CAUSE OF ACTION

(Negligence and Negligence Per Se against Defendants)

5 21. Plaintiff incorporates by reference each and every allegation previously made in
6 this Complaint as if fully set forth herein.

7 22. Defendants knew, or should have known, failing to maintain the Premises in a
8 reasonably safe condition would create a foreseeable risk of harm to patrons.

9 23. Defendants knew, or should have known, failing to inspect the Premises to ensure
10 it was in a reasonably safe condition would create a foreseeable risk of harm to patrons.

11 24. Defendants had a duty to Plaintiff to ensure that the Premises was free from dangers
12 and hazards.

13 25. Defendants had actual or constructive notice of the dangerous condition at the
14 Premises where Subject Incident occurred.

15 26. Defendants failed to maintain the Premises in such a way as to avoid it posing a
16 hazard.

17 27. In failing to properly maintain the Premises, Defendants breached their above-
18 mentioned duty, thereby creating a dangerous condition at the Premises.

19 28. At all times mentioned herein, there were in effect statutes, ordinances, and
20 regulations prohibiting the conduct exhibited by Defendants.

21 29. Plaintiff was a member of the class of persons for whose protection said statutes,
22 ordinances and regulations were enacted and promulgated.

23 30. Plaintiff sustained injuries of the type that said statutes, ordinances, and regulations
24 *were intended to prevent.*

1 31. As a direct and proximate result of the Defendants' breach of their above-described
2 duties to Plaintiff, Plaintiff incurred physical injuries, some of which may be permanent and
3 disabling, and experienced significant pain and suffering.

4 32. As a direct and proximate result of these injuries, Plaintiff reasonably sought
5 appropriate medical care and treatment and was required to incur the costs and expenses incidental
6 thereto in an amount in excess of \$15,000.00.

7 33. Plaintiff's injuries have caused and may yet continue to cause Plaintiff to
8 experience significant suffering.

9 34. The physical injuries and damage to Plaintiff, which may be permanent and
10 disabling in nature, have caused and may continue to cause Plaintiff significant pain and suffering.

11 35. As a result of the above-mentioned injuries, Plaintiff has been required, and may
12 yet be required to seek medical care and treatment.

13 36. Plaintiff may yet require future medical care and treatment as a result of the injuries
14 sustained in the above-described subject incident and will necessarily incur the costs and expenses
15 associated therewith.

16 37. Plaintiff's harms and losses, to be fully set forth and proven at trial, were
17 proximately caused by Defendants' negligence.

18 38. As a direct and proximate result of Defendants' negligence as described herein,
19 Plaintiff has been required to retain the services of an attorney, and therefore, is entitled to recover
20 reasonable attorney fees, costs of suit, and pre- and post-judgment interest, as applicable.

SECOND CAUSE OF ACTION

(Negligent Hiring, Training and Supervision against Defendants)

23 39. Plaintiff incorporates by reference each and every allegation previously made in
24 this Complaint as if fully set forth herein.

1 40. Defendants owed a duty of care to Plaintiff to use reasonable care in the hiring,
2 training, and supervising of individuals hired to perform the maintenance, inspection, cleaning
3 and/or repair of the floors at the Premises.

4 41. Defendants knew, or should have known, Doe Employees 11-20 were unfit to
5 safely perform the maintenance, inspection, cleaning and/or repair of the floors at the Premises.

6 42. Defendants breached their duty to Plaintiff by failing to reasonably hire, train, and
7 supervise Doe Employees 11–20 regarding the maintenance, inspection, cleaning and/or repair of
8 the floors at the Premises prior to Plaintiff being injured.

9 43. As a proximate result of Defendants' breach of their duties, Doe Employees 11-20
10 caused the Subject Incident described herein, causing Plaintiff's injuries.

11 44. As a proximate result of the Subject Incident, Plaintiff was injured, causing Plaintiff
12 pain and suffering of both body and mind.

13 45. Plaintiff reasonably sought medical care and treatment to relieve the pain and injury
14 Plaintiff sustained in the Subject Incident, incurring medical costs and charges incidental to such
15 treatment.

16 46. As a direct and proximate result of Defendants' breach of their duties, Plaintiff has
17 been required to retain the services of an attorney, and therefore, is entitled to recover reasonable
18 attorney fees, costs of suit, and pre- and post-judgment interest, as applicable.

THIRD CAUSE OF ACTION

(Respondeat Superior against Defendant Entity and Roe Corporations 21-30)

21 47. Plaintiff incorporates by reference each and every allegation previously made in
22 this Complaint as if fully set forth herein.

23 48. Doe Employees 11-20 were employees of Defendant Entity and/or Roe
24 Corporations 21-30, and at the times of the subject incident described herein, were acting within
25 the course and scope of their employment.

1 49. Doe Employees 11-20's liability to Plaintiff for injuries sustained in the Subject
2 Incident described herein as fully and wholly imputed to Defendant Entity and/or Roe
3 Corporations 21-30 employing Doe Employees 11-20, pursuant to the doctrine of respondeat
4 superior.

5 50. As a direct and proximate result, Plaintiff has incurred expenses for medical care
6 and treatment in an amount to be proven at trial.

7 51. As a direct and proximate result, Plaintiff has been required to retain the services
8 of an attorney, and therefore, is entitled to recover reasonable attorney fees, costs of suit, and pre-
9 and post-judgment interest, as applicable.

PRAAYER FOR RELIEF

Wherefore, Plaintiff prays for the judgment of this Court as follows:

12 1. General damages for past and future harms and losses in an amount in excess of
13 \$15,000.00;
14 2. Special damages for past and future harms and losses in an amount in excess of
15 \$15,000.00;
16 3. Costs of suit, pre-judgment interest, post-judgment interest, attorney fees; and
17 4. Such other and further relief as is just and proper.

18 Dated this 2nd day of August, 2021.

COGBURN LAW

By: /s/Joseph J. Troiano

Jamie S. Cogburn, Esq.

Nevada Bar No. 8409

Joseph J. Troiano, Esq.

Nevada Bar No. 12505

2580 St. Rose Parkway, Suite 330

Henderson, Nevada 89074

Henderson, Nevada
Attorneys for Plaintiff